

**SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET**

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Resolution(s):

Ordinance(s):

Contract(s):

Continue Date(s):

Index: --Letter of Planning Department
--Planning Commission ByLaws
--Attachments

Item: 23. APPROVED revised Planning Commission bylaws, as recommended by the Planning Director



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

September 14, 2006

APPROVED AND FILED

BOARD OF SUPERVISORS

DATE: October 3, 2006

COUNTY OF SANTA CRUZ

SWANA MAURIELLO

EX-OFFICIO CLERK OF THE BOARD

Sharon Mitchell DEPUTY

AGENDA DATE: October 3, 2006

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

Subject: Revised Planning Commission Bylaws

Members of the Board:

Periodically the Planning Commission reviews and updates its bylaws to most closely reflect its practices and to consider any new procedures. The Commission has completed its recent update, which must be approved by your Board.

While most of the changes in the proposed bylaws are simply clarifying practices and language, there is one substantive change. The Commission, after considerable discussion, unanimously agreed that they should add new provisions that would require disclosure of ex-parte discussions in the consideration of specific development proposals (Section 16). This action follows similar moves by many other communities that feel that such disclosures provide more transparency in the governmental review process.

For your convenience, Attachment 1 provides a highlighted version of the proposed changes, while Attachment 2 presents a clean version of the revised bylaws.

It is therefore RECOMMENDED that your Board adopt the revised Planning Commission Bylaws as illustrated in Attachment 2.

Sincerely,

Tom Burns
 Planning Director

RECOMMENDED:

SUSAN A. MAURIELLO
 County Administrative Officer

Attachments:

1. Highlighted Bylaw Changes
2. Clean Version of Bylaw Changes
3. Planning Commission Minutes

PLANNING COMMISSION BYLAWS

While most of the rules governing the conduct of meetings of the Planning Commission are provided for in State and County statutes and ordinances, it is desirable for the Planning Commission to adopt bylaws. These bylaws are to assist the Planning Commission in conducting business in an orderly and efficient manner, and are adopted pursuant to County Code Section 2.38.140.

1. COUNTY'S COMMISSION'S ORDINANCE

The Planning Commission is subject to the County's Commission Ordinance (Chapter 2.38) attached hereto.

2. NOTICE OF PUBLIC MEETINGS

All meetings and actions of the Planning Commission shall be subject to the Brown Act (Govt. eCode No. ~~§ 54950-54964~~ et seq.).

HEARINGS

~~Public hearings conducted by the Commission shall conform to all applicable provisions of law, except that n~~Notice of public hearings shall be made pursuant to County Code Section 18.10.2201 et seq., even if such notice is in excess of that required by Sstate Law.

At least seventy-two (72) hours prior to each regular meeting, an agenda for the regular meeting shall be mailed to each Commission member, and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings, and shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon a determination by two-thirds vote of the membership of the Commission, or if less than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted.

The Chairperson, or in his/her absence, the Vice Chairperson, may direct the Secretary to send out notices for a special meeting; or three members wishing a special meeting called may, by letter, direct the Secretary to notify the Commission. Said notices shall be

~~provided to the Commissioners not less than twenty-four (24) mailed three days~~ hours prior to the date of the meeting. The Secretary shall also notify Commissioners of such special meetings by telephone. Notice to the press and other news media of such special meetings shall be made pursuant to the provisions of State Law. At least

~~twenty-four (24) hours prior to each special meeting, an agenda for the special meeting shall be mailed to each commission member and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings; and shall be posted at least seventy-two (72) hours prior to the special meeting~~ at a location that is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.

3. OFFICERS

The officers of the Commission shall be a Chairperson, Vice Chairperson and Secretary. The Chairperson and Vice Chairperson shall be elected by members of the Commission. The Director of the Planning Department or other appointee shall serve as Secretary of the Commission.

The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson. The members may elect a Chairperson pro tem in the absence of both the Chairperson and Vice Chairperson.

The terms of office for the Chairperson and Vice Chairperson shall be one year beginning at the first meeting in January of each year.

4. MEETINGS SCHEDULE

The Commission shall hold two regular meetings each month. These shall generally fall on the second and fourth Wednesdays of each month and shall commence at 9:00 a.m. Regular meetings may be cancelled as warranted by special circumstances, such as holidays. The Commission may schedule additional meetings as necessary to meet the needs of the community, the Board of Supervisors or the Commission. Night and/or out-of-building meetings may also be scheduled as the Commission desires. The Commission may also hold special meetings and adjourned regular and adjourned special meetings as it deems necessary, ~~in accordance with State law.~~

5. ATTENDANCE BY PLANNING COMMISSIONERS

Every Commissioner shall notify the Planning Department ~~Office Secretary~~ and his/her alternate ~~48 hours one week~~ in advance of any Planning Commission meeting h/she is not able to attend. In case of an emergency, notification shall occur at the earliest possible opportunity. If any regular Commissioner is absent from three consecutive Planning Commission meetings without his/her alternate member being present during any calendar year and without legitimate reason entered into the minutes, the Planning

Commission shall inform the Board of Supervisors that a vacancy exists, as provided in the County Code.

6. ALTERNATE MEMBERS

The Board of Supervisors shall appoint ~~an~~ alternate for each member of the Planning Commission. Alternates shall serve when requested by the regular Planning Commission member. The term of office for an alternate shall be the same as the regular members.

7. MISSED MEETINGS

In the event a Commissioner is absent from all or a portion of a public hearing, the Commissioner may not vote or participate in the discussion on that item unless —
Commissioner:

- a. ~~the Commissioner~~ has reviewed the prior evidence and listened to the tape recording(s) of the prior testimony, and has so stated for the record, and
- b. ~~Examines all of the documentary material received prior to or during the hearing, or portion of the hearing, from which the Commissioner was absent, and~~
- c. Deems oneself to be as familiar with the record and with the information presented at the hearing as the Commissioner would have been had he or she personally attended the entire hearing, and so states for the record.

8. QUORUM

A majority of the members of the Commission shall constitute a quorum for the conduct of all business. The affirmative vote of three Commissioners is required to approve any item. If fewer than five members are present and the Commission is unable to reach any decision on an application or appeal, the item will be continued to the next meeting of the Commission or to a later meeting when a full Commission is present. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied.

9. CONTINUANCE OF PUBLIC HEARINGS

It is the policy of the Planning Commission to attempt to accommodate persons on the scheduling of items. The Planning Commission recognizes the interest of both applicants and other interested persons appearing before the Planning Commission. The Planning Commission, therefore, has discretion to continue items subject to applicable legal requirements. will consider the continuation of certain public hearings to the Commission's next available meeting if the following conditions are met:

- a. ~~A petition must be submitted to the Planning Commission no later than 5:00 p.m. on Friday before the next scheduled Wednesday Planning Commission Meeting (for all other scheduled hearings occurring on any day other than Wednesday, the petition must be submitted at least 72 hours prior to the scheduled meeting).~~

~~b. The petition must be signed by at least five interested persons and must state that said persons desire to participate in the particular hearing requested to be continued but are unable to attend the scheduled night meeting or day meeting, whichever the case may be.~~

~~e. The requested continuance does not conflict with any other provision of either State or County law or regulation which may require that the hearing be held at either the scheduled time or within a certain specified period of time.~~

~~When such a petition has been presented according to this rule~~

At its discretion, the commission may:

- a. Continue the public hearing to the date requested, ~~or to the next available~~ agenda or to another future date at the discretion of the Commission, or
- b. May hear the staff presentation, open the public hearing and hear the testimony of those who are present and wish to speak, and then continue the hearing for the hearing of additional testimony, or:
- c. Determine to proceed with the public hearing and take action, despite the request for a continuance, ~~if the Commission determines that there are overriding reasons to proceed with the hearing as scheduled.~~

~~Nothing contained in this rule is intended to preclude the Commission from continuing any matter from time to time if appropriate, or to imply the type of petition described above may be used to force a continuance of a particular hearing more than once.~~

10. THE CONDUCT OF MEETINGS

ROLL CALL

DIRECTOR'S REPORT

A Director's Report may be presented at the beginning of the agenda. The Director shall inform the Commission of all relevant actions by the Board of Supervisors which affect land use. Copies of Board Minute Orders shall be distributed as appropriate. The Director or Assistant Director shall attend all Planning Commission meetings.

COUNTY COUNSEL'S REPORT

A report from the County Counsel's Office on matters of concern to the Commission may be presented.

ADDITIONS AND CORRECTIONS TO THE AGENDA

At the beginning of the meeting, staff shall inform the Commission of any additions or corrections to the agenda, and inform the Commission of any requests for continuances of scheduled items. The Commission may elect to continue items at this time or to consider the requests at the scheduled time for the item. ~~Whenever there are only three members of the Commission present, the Commission will generally grant requests for continuances by applicants or appellants so that a full Commission may hear the item. The affirmative vote of three Commissioners is required to approve any item. If the Commission is unable to reach any decision on an application or appeal, the item will be continued to the next meeting of the Commission or to a later meeting when a full Commission is present. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied. In cases other than appeals, the application shall be forwarded to the Board of Supervisors without payment of a fee.~~

PUBLIC PARTICIPATION/ORAL COMMUNICATIONS

Public participation in Commission meetings shall be allowed as follows:

- a. An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Commission's consideration of the item.
- b. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Commission at the beginning/at the end of each regular meeting agenda. This item is on the agenda before or after scheduled hearings for members of the public who wish to speak to the Commission on items not on the agenda. Unless otherwise determined by the Commission, speakers are limited to five minutes for items not on the agenda. The Commission allows 30 minutes at the beginning or end of the meeting for oral communications for items not on the agenda. If further time is needed, it will be provided at the end of the meeting. At its discretion, the Commission can allow additional time to hear oral communications.
- c. The Chairperson of the Commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and the Commission may establish reasonable limits on the total amount of time allotted for public testimony on a particular item ~~or the total time allotted for public testimony on a particular item or the total amount of time allotted for community oral communications. When further discussion is required, the Commission may vote to allot time in the agenda of the following meeting.~~

CONSENT AGENDA

Consent items are those which staff recommends be approved and which do not require public hearings appear not to be controversial. If any person or Commission member disagrees with the staff recommendation, or wishes to discuss a consent item, the item ~~shall~~ may be taken off the consent agenda and heard as a separate item at an appropriate place on the regular agenda, if the consent

agenda, as amended, is approved by a majority vote of the Commission. Consent items are acted on at the beginning of the meeting.

CONTINUED AGENDA

Continued items are those which were carried over from previous meetings for additional information and/or analysis. These items are generally considered as opened public hearings and any person may address the Commission regarding the item. In certain instances, the public hearing has been closed, but may be reopened at the request of the applicant, the public, or the Commission.

PUBLIC HEARINGS

Public hearings shall be generally conducted as follows:

- a. Staff presents proposal, staff report, and recommendations. Any letters received before the hearing are summarized.
- b. Commission members may ask questions of staff.
- c. Public hearing is opened.
- d. Applicant may present justification for proposal and other pertinent information. Applicant given approximately 10 minutes.
- e. Commission members may ask questions of applicant.
- f. Members of the public may speak either for or against the proposal, or offer additional information. Speakers shall step to the podium and give their name and address. Members of the public generally given 5 minutes individually or 10 minutes for persons representing a group.
- g. Applicant may rebut arguments presented by the public. Applicants generally given 5 minutes. No new issues may be raised. No new evidence may be presented.
- h. Public hearing is closed.
- i. Commission members may ask further questions of the public, the applicant, or staff.
- j. Commission members make motion for decision on the proposal, may discuss motion, and vote on motion.
- ~~k. Chairperson shall have the option of granting an additional five minutes to the applicant for summary.~~
- k. The Chairperson shall have the option of granting additional time, as appropriate, to address unique issues related to the proposed project.

Questions by members of the Commission to the public, the applicant, or staff shall be directed to the Chairperson; also, questions from the public to the Commission shall be directed to the Chairperson.

11. AGENDA DEADLINES

Written materials to be included in agenda packets shall be submitted to the Planning Department by Monday noon of the week preceding the week of each meeting. The timelines for submittal of staff reports for public hearing items is subject to change. Contact the Secretary of the Commission for exact timelines.

12. CONDUCT OF BUSINESS

The most recent edition of Sturgis Rules of Parliamentary Procedure shall govern the conduct of meetings of the Commission except as otherwise provided herein, or by State or local law.

13. AMENDMENT

These rules may be amended by the Planning Commission at any time by three votes and subject to approval by the Board of Supervisors.

14. WRITTEN COMMUNICATIONS

All correspondence addressed to the Planning Commission, the Planning Department, or to the Director of the Planning Department, relating to items to be heard by the Commission, shall be answered by the Director of the Planning Department. The Director shall insure that the Commission is made aware of all correspondence addressed to the Commission, and of all correspondence addressed to either the Director or the Planning Department which relates to any item heard or to be heard before the Commission. Any correspondence addressed to the Commission or to the Director of the Planning Department which in the opinion of the Director of the Planning Department clearly requires Commission review prior to response shall be presented to the Planning Commission at a regularly scheduled meeting. Upon review of such correspondence, if the Planning Commission feels that the matter requires a response, it shall direct the Director of the Planning Department in the manner by which the correspondence is to be answered. The Director of the Planning Department shall then answer the correspondence as directed by the Commission, acting in his/her capacity as Secretary to the Commission.

15. CONFLICT OF INTEREST

Each Commissioner shall comply with the Conflict of Interest requirements of State law. Each Commissioner shall file a Conflict of Interest Disclosure Statement.

16. RECEIPT OF INFORMATION OUTSIDE OF HEARING BY COMMISSIONERS

A Commissioner who has received oral or written information outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the beginning of the hearing such information and his or her observations and familiarity with the property so that the applicant, opponents, interested persons, planning staff and other members of the Commission may be aware of the facts or information upon which he or she is relying and have an opportunity to support or controvert the facts or information. All written information received outside of the hearing shall be filed with the Commission Secretary. This requirement shall not apply to broad policy issues applicable County-wide as distinguished from projects affecting individual parcels of property or to factual inquiries made to and received from County staff.

1617. STAFF CONSULTATION

Pursuant to County Code Section 2.74.040C, staff members from the Public Works Department, Environmental Health Services, County Counsel, and other departments shall be available to the Commission upon assignment by the respective department heads.

1618. SUBCOMMITTEES

All subcommittees shall comply with the notice and agenda requirements otherwise applicable to the Commission by the by-laws, except for subcommittees composed solely of less than a quorum of the members of the Commission which are not standing subcommittees of the Commission with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Commission.

These bylaws are adopted on November 5, 1991.
Amended and approved on May 11, 1994.
Amended and approved on _____, 2006

PLANNING COMMISSION BYLAWS

While most of the rules governing the conduct of meetings of the Planning Commission are provided for in State and County statutes and ordinances, it is desirable for the Planning Commission to adopt bylaws. These bylaws are to assist the Planning Commission in conducting business in an orderly and efficient manner, and are adopted pursuant to County Code Section 2.38.140.

1. COUNTY'S COMMISSION'S ORDINANCE

The Planning Commission is subject to the County's Commission Ordinance (Chapter 2.38) attached hereto.

2. NOTICE OF PUBLIC MEETINGS

All meetings and actions of the Planning Commission shall be subject to the Brown Act (Govt. Code § 54950 et seq.). Notice of public hearings shall be made pursuant to County Code Section 18.10.221 et seq., even if such notice is in excess of that required by state law.

At least seventy-two (72) hours prior to each regular meeting, an agenda for the regular meeting shall be mailed to each Commission member, and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings, and shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon a determination by two-thirds vote of the membership of the Commission, or if less than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted.

The Chairperson, or in his/her absence, the Vice Chairperson, may direct the Secretary to send out notices for a special meeting; or three members wishing a special meeting called may, by letter, direct the Secretary to notify the Commission. Said notices shall be provided to the Commissioners not less than twenty-four (24) hours prior to the date of the meeting. The Secretary shall also notify Commissioners of such special meetings by telephone. Notice to the press and other news media of such special meetings shall be made pursuant to the provisions of State Law. At least twenty-four (24) hours prior to each special meeting, an agenda for the special meeting shall be posted at a location that

is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.

3. OFFICERS

The officers of the Commission shall be a Chairperson, Vice Chairperson and Secretary. The Chairperson and Vice Chairperson shall be elected by members of the Commission. The Director of the Planning Department or other appointee shall serve as Secretary of the Commission.

The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson. The members may elect a Chairperson pro tem in the absence of both the Chairperson and Vice Chairperson.

The terms of office for the Chairperson and Vice Chairperson shall be one year beginning at the first meeting in January of each year.

4. MEETING SCHEDULE

The Commission shall hold two regular meetings each month. These shall generally fall on the second and fourth Wednesdays of each month and shall commence at 9:00 a.m. Regular meetings may be cancelled as warranted by special circumstances, such as holidays. The Commission may schedule additional meetings as necessary to meet the needs of the community, the Board of Supervisors or the Commission. Night and/or out-of-building meetings may also be scheduled as the Commission desires. The Commission may also hold special meetings and adjourned regular and adjourned special meetings as it deems necessary.

5. ATTENDANCE BY PLANNING COMMISSIONERS

Every Commissioner shall notify the Planning Department Secretary and his/her alternate one week in advance of any Planning Commission meeting if he/she is not able to attend. In case of an emergency, notification shall occur at the earliest possible opportunity. If any regular Commissioner is absent from three consecutive Planning Commission meetings without his/her alternate member being present during any calendar year and without legitimate reason entered into the minutes, the Planning Commission shall inform the Board of Supervisors that a vacancy exists, as provided in the County Code.

6. ALTERNATE MEMBERS

The Board of Supervisors shall appoint an alternate for each member of the Planning Commission. Alternates shall serve when requested by the regular Planning Commission member. The term of office for an alternate shall be the same as the regular members.

7. MISSED MEETINGS

In the event a Commissioner is absent from all or a portion of a public hearing, the Commissioner may not vote or participate in the discussion on that item unless the Commissioner:

- a. Has reviewed the prior evidence and listened to the recording(s) of the prior testimony, and has so stated for the record, and
- b. Examines all of the documentary material received prior to or during the hearing, or portion of the hearing, from which the Commissioner was absent, and
- c. Deems oneself to be as familiar with the record and with the information presented at the hearing as the Commissioner would have been had he or she personally attended the entire hearing, and so states for the record.

8. QUORUM

A majority of the members of the Commission shall constitute a quorum for the conduct of all business. The affirmative vote of three Commissioners is required to approve any item. If fewer than five members are present and the Commission is unable to reach any decision on an application or appeal, the item will be continued to the next meeting of the Commission or to a later meeting when a full Commission is present. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied.

9. CONTINUANCE OF PUBLIC HEARINGS

It is the policy of the Planning Commission to attempt to accommodate persons on the scheduling of items. The Planning Commission recognizes the interest of both applicants and other interested persons appearing before the Planning Commission. The Planning Commission, therefore, has discretion to continue items subject to applicable legal requirements.

At its discretion, the commission may:

- a. Continue the public hearing to the date requested, to the next available agenda or to another future date at the discretion of the Commission, or
- b. May hear the staff presentation, open the public hearing and hear the testimony of those who are present and wish to speak, and then continue the hearing for the hearing of additional testimony, or
- c. Determine to proceed with the public hearing and take action, despite the request for a continuance.

10. THE CONDUCT OF MEETINGS

ROLL CALL

DIRECTOR'S REPORT

A Director's Report may be presented at the beginning of the agenda. The Director shall inform the Commission of all relevant actions by the Board of Supervisors which affect land use. Copies of Board Minute Orders shall be distributed as appropriate. The Director or Assistant Director shall attend all Planning Commission meetings.

COUNTY COUNSEL'S REPORT

A report from the County Counsel's Office on matters of concern to the Commission may be presented.

ADDITIONS AND CORRECTIONS TO THE AGENDA

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Public participation in Commission meetings shall be allowed as follows:

- a. An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Commission's consideration of the item.
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- c. The Chairperson of the Commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and the Commission may establish reasonable limits on the total amount of time allotted for public testimony on a particular item.

CONSENT AGENDA

Consent items are those which staff recommends be approved and which do not require public hearings. If any person or Commission member wishes to discuss a consent item, the item shall be taken off the consent agenda and heard as a separate item at an appropriate place on the regular agenda, if the consent agenda, as amended, is approved by a majority vote of the Commission. Consent items are acted on at the beginning of the meeting.

CONTINUED AGENDA

Continued items are those which were carried over from previous meetings for additional information and/or analysis. These items are generally considered as opened public hearings and any person may address the Commission regarding the item. In certain instances, the public hearing has been closed, but may be reopened at the request of the applicant, the public, or the Commission.

PUBLIC HEARINGS

Public hearings shall be generally conducted as follows:

- a. Staff presents proposal, staff report, and recommendations. Any letters received before the hearing are summarized.
- b. Commission members may ask questions of staff.
- c. Public hearing is opened.
- d. Applicant may present justification for proposal and other pertinent information. Applicant given approximately 10 minutes.
- e. Commission members may ask questions of applicant.
- f. Members of the public may speak either for or against the proposal, or offer additional information. Speakers shall step to the podium and give their name and address. Members of the public generally given 5 minutes individually or 10 minutes for persons representing a group.
- g. Applicant may rebut arguments presented by the public. Applicants generally given 5 minutes. No new issues may be raised. No new evidence may be presented.
- h. Public hearing is closed.
- i. Commission members may ask further questions of the public, the applicant, or staff.
- j. Commission members make motion for decision on the proposal, may discuss motion, and vote on motion.

- k. The Chairperson shall have the option of granting additional time, as appropriate, to address unique issues related to the proposed project.

Questions by members of the Commission to the public, the applicant, or staff shall be directed to the Chairperson; also, questions from the public to the Commission shall be directed to the Chairperson.

11. AGENDA DEADLINES

Written materials to be included in agenda packets shall be submitted to the Planning Department by Monday noon of the week preceding the week of each meeting. The timelines for submittal of staff reports for public hearing items is subject to change. Contact the Secretary of the Commission for exact timelines.

12. CONDUCT OF BUSINESS

The most recent edition of Sturgis Rules of Parliamentary Procedure shall govern the conduct of meetings of the Commission except as otherwise provided herein, or by State or local law.

13. AMENDMENT

These rules may be amended by the Planning Commission at any time by three votes and subject to approval by the Board of Supervisors.

14. WRITTEN COMMUNICATIONS

All correspondence addressed to the Planning Commission, the Planning Department, or to the Director of the Planning Department, relating to items to be heard by the Commission, shall be answered by the Director of the Planning Department. The Director shall insure that the Commission is made aware of all correspondence addressed to the Commission, and of all correspondence addressed to either the Director or the Planning Department which relates to any item heard or to be heard before the Commission. Any correspondence addressed to the Commission or to the Director of the Planning Department which in the opinion of the Director of the Planning Department clearly requires Commission review prior to response shall be presented to the Planning Commission at a regularly scheduled meeting. Upon review of such correspondence, if the Planning Commission feels that the matter requires a response, it shall direct the Director of the Planning Department in the manner by which the correspondence is to be answered. The Director of the Planning Department shall then answer the correspondence as directed by the Commission, acting in his/her capacity as Secretary to the Commission.

15. CONFLICT OF INTEREST

Each Commissioner shall comply with the Conflict of Interest requirements of State law. Each Commissioner shall file a Conflict of Interest Disclosure Statement.

16. RECEIPT OF INFORMATION OUTSIDE OF HEARING BY COMMISSIONERS

A Commissioner who has received oral or written information outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the beginning of the hearing such information and his or her observations and familiarity with the property so that the applicant, opponents, interested persons, planning staff and other members of the Commission may be aware of the facts or information upon which he or she is relying and have an opportunity to support or controvert the facts or information. All written information received outside of the hearing shall be filed with the Commission Secretary. This requirement shall not apply to broad policy issues applicable County-wide as distinguished from projects affecting individual parcels of property or to factual inquiries made to and received from County staff.

17. STAFF CONSULTATION

Pursuant to County Code Section 2.74.040C, staff members from the Public Works Department, Environmental Health Services, County Counsel, and other departments shall be available to the Commission upon assignment by the respective department heads.

18. SUBCOMMITTEES

All subcommittees shall comply with the notice and agenda requirements otherwise applicable to the Commission by the by-laws, except for subcommittees composed solely of less than a quorum of the members of the Commission which are not standing subcommittees of the Commission with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Commission.

These bylaws are adopted on November 5, 1991.

Amended and approved on May 11, 1994.

Amended and approved on _____, 2006

PLANNING COMMISSION MINUTES- 9/13/06

Proceedings of the Santa Cruz County
Planning Commission

Volume 2006, Number 16

September 13, 2006

LOCATION: Board of Supervisors, County Government Center,
701 Ocean Street, Room 525, Santa Cruz, CA 95060

ACTION SUMMARY MINUTES

VOTING KEY

Commissioners: Bremner, Aramburu, Chair Holbert, Gonzalez, and Shepherd
Alternate Commissioners: Messer, Hancock, Hummel, and Britton

Commissioners present were Bremner, Aramburu, Chair Holbert, Gonzalez, and Shepherd.

CONSENT AGENDA

6. APPROVAL OF MINUTES

To approve the minutes of the August 23, 2006 Planning Commission meeting as submitted by the Planning Department.

Minutes approved. Bremner made the motion and Shepherd seconded. Voice vote carried 5-0 with ayes from Bremner, Aramburu, Holbert, Gonzalez, and Shepherd.

CONTINUED AGENDA

7. **04-0089** **4401 YARDARM CT., SOQUEL** **APN(S): 102-441-19**
Appeal of the Zoning Administrators denial of a proposal to construct a 6-foot masonry wall with 6 foot 8 inch stone piers and to construct 1 vehicular gate with decorative pilasters to a maximum height of 8 feet 8 inches and a pedestrian gate with a wrought iron arch to 8 feet 8 inches. Requires a Residential Development Permit to exceed the maximum 3-foot height limit for walls within the required 40-foot front yard setback. Property located on the Southwest side of the intersection of Yardarm Court and Mainsail Place (4401 Yardarm Court).
Project Denied by Zoning Administrator April 7, 2006.
Applicant Appealed decision April 14, 2006.
OWNER: HESS MARTIN L ETAL
APPLICANT: MATSON BRITTON ARCHITECTS
SUPERVISORIAL DIST: 1
PROJECT PLANNER: ROBIN BOLSTER-GRANT, 454-5357
EMAIL: pln111@co.santa-cruz.ca.us

Continued public hearing to October 25, 2006. Bremner made the motion and Aramburu seconded. Voice vote carried 5-0 with ayes from Bremner, Aramburu, Holbert, Gonzalez, and Shepherd.

SCHEDULED AGENDA

- 8. CONSIDERATION OF PROPOSED REVISIONS TO THE PLANNING COMMISSION BYLAWS**
PROJECT PLANNER: TOM BURNS, 454-3136
EMAIL: pln001@co.santa-cruz.ca.us

Recommended Bylaw change to Board of Supervisors with revisions as discussed. Shepherd made the motion and Gonzalez seconded. Voice vote carried 5-0 with ayes from Bremner, Aramburu, Holbert, Gonzalez, and Shepherd.



October 2, 2006

Supervisor Stone
Chairman of the Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: Revised Planning Commission Bylaws

Dear Supervisor Stone,

I am unable to attend the meeting for October 3, 2006 but have two concerns regarding the "Revised Planning Commission Bylaws".

- A. Under chapter 18.10.220 it appears the intention is that ten days notice is required versus seventy-two hours noted in the Planning Commission Bylaws #2.
- B. Could it be clarified that the disclosure of ex-parte discussions would *include* specific discussions regarding a particular item (I believe that the bylaws do specify that general discussions are exempted); with planning staff, governing officials, etc... ?

In our offices' recent experiences with the Coastal Commission we have found the ex-parte discussions very helpful for all parties. In public hearings it is often difficult to go over many of the fine points of an issue. By no intent or fault of their own, county staff often has an advantage over the public in presenting their view. I would like to encourage the planning commissioners to *have* ex-parte discussions, those discussions are often a valuable tool in making informed decisions.

Please include this letter for the public comment on this item. Thank you for the Boards consideration.

Sincerely,

Cove Britton
Architect

728 NORTH
BRANCI FORTE
SANTA CRUZ
CA 95062
877-877-3797